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BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

HAVIER OLMO,

Plaintiff,

— against —

BRIAN FISCHER, et al.,

Defendants.

**MEMORANDUM  
AND ORDER**

10-CV-2887

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**JACK B. WEINSTEIN, Senior United States District Judge:**

Plaintiff Javier Olmo moves for an order under Federal Rule of Civil Procedure 26 for the production of documents related to the prosecution of his case.

This request is premature. By order dated December 22, 2010, discovery is stayed pending the resolution of relevant issues by the Court of Appeals for the Second Circuit. *See, e.g., Hardy v. Fischer*, 701 F. Supp. 2d 605 (S.D.N.Y. 2010) (dismissal of class action; case on appeal).

The motion is denied.

SO ORDERED.



Jack B. Weinstein  
Senior United States District Judge

Date: May 19, 2011  
Brooklyn, New York

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